

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA
(Civil Division)

FILED

MAR 12 2014

**Clerk, U.S. District and
Bankruptcy Courts**

JACOB E. ABILT,

Plaintiff,

v.

CENTRAL INTELLIGENCE AGENCY,

and

JOHN O. BRENNAN, Director,
U.S. Central Intelligence Agency,

Defendants.

Case: 1:14-cv-00210

Assigned To : Huvelle, Ellen S.

Assign. Date : 3/12/2014

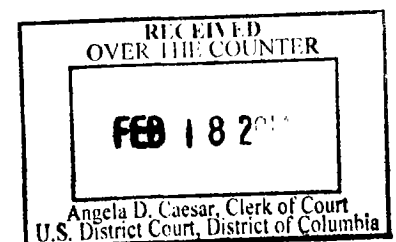
Description: Employ. Discrim.

MOTION FOR LEAVE OF COURT TO USE A PSEUDONYM

COMES NOW the Plaintiff Jacob Abilt, by and through undersigned counsel,
and hereby respectfully moves this Court for leave to file his Complaint and other papers
in this matter under a pseudonym. For the reasons set forth in the accompanying
Memorandum of law, Plaintiff's motion should be granted.

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A proposed order is attached.

Respectfully submitted,

By: *Donna Williams Rucker*
DONNA WILLIAMS RUCKER (DC # 446713)
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February 17, 2014

Counsel for Plaintiff

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA
(Civil Division)**

JACOB E. ABILT,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No.:_____
)	
CENTRAL INTELLIGENCE AGENCY,)	
)	
and)	
)	
JOHN O. BRENNAN, Director,)	
U.S. Central Intelligence Agency,)	
)	
Defendants.)	
_____)	

**MEMORANDUM OF LAW IN SUPPORT OF PLAINTIFF'S
MOTION FOR LEAVE OF COURT TO USE A PSEUDONYM**

COMES NOW, Plaintiff Jacob Abilt, by and through undersigned counsel, respectfully submits this memorandum in support of his Motion to proceed pseudonymously. As this Court has held, the usual practice in this District for litigants seeking to proceed under pseudonym is to ask “for leave to file [court papers] omitting the litigant’s real name and full address.” *Qualls v. Rumsfeld*, 228 F.R.D. 8, 10 (D.D.C. 2005). In effect, Plaintiff is asking “to waive the requirements of Federal Rule 10(a) and Local Civil Rules 5.1(e)(1) and 11.1. Leave is generally granted if the litigant makes a colorable argument in support of the request.” *Id.*

Plaintiff, a former employee of the CIA, recognizes that “[p]seudonymous litigation is for the unusual or critical case, and it is the litigant seeking to proceed under pseudonym that bears the burden to demonstrate a legitimate basis for proceeding in that manner.” *Id.* at 13. Here, the use of a pseudonym is necessary to guard against the

public disclosure of Plaintiff's affiliation with Defendant Central Intelligence Agency ("CIA"), which uses cover to maintain secrecy in intelligence collection, protecting the security of the clandestine foreign intelligence activities of the United States Government. While employed with the CIA, Plaintiff served as a covert CIA officer who was involved in intelligence collection or other authorized operations, clandestinely collecting foreign intelligence. Additionally, Plaintiff's pseudonym is the same as that used in the CIA's Report of Investigation.

In cases like the instant matter, that involves parties who are employees or former employees of the CIA whose work for the CIA is classified, courts routinely allow the CIA officer to be named by pseudonym. *See National Security Counselors v. CIA*, -- F. Supp. 2d --, 2013 WL 4111616, *61 (D.D.C. Aug. 15, 2013) (citing *Military Audit Project v. Casey*, 656 F.2d 724, 749 (D.C. Cir. 1981) ("[D]ocuments that might disclose the names, initials, pseudonyms and official titles of CIA personnel . . . are properly withheld by the government.")); *see, e.g., Institute for Policy Studies v. CIA*, 885 F. Supp. 2d 120 (D.D.C. 2012) (permitting the CIA to withhold personal information in a FOIA matter); *see, e.g., Chris v. Tenet*, 221 F.3d 648, 649 n.1 (4th Cir. 2000) (plaintiff CIA employee assigned a pseudonym for purpose of proceedings where plaintiff's real name could not be disclosed due to the classified nature of her government work); *Peary v. Goss*, 365 F. Supp. 2d 713, 716 n.1 (E.D. Va. 2005) (retired CIA officer adopted pseudonym for purpose of litigation to preserve CIA operational security); *Tilden v. Tenet*, 140 F. Supp. 2d 623, 624 n.1 (E.D. Va. 2000) (CIA employee used pseudonym in litigation to protect national security).

Wherefore, there is a “legitimate basis,” *Qualls*, 228 F.R.D. at 10, for Plaintiff to proceed pseudonymously in this “unusual . . . case.” *Id.* at 8. Given that Plaintiff has made “a colorable argument in support of the request” to proceed pseudonymously, *id.*, he asks the Court to grant his Motion. Consistent with this request, the Plaintiff also requests that the Court order that the parties and any third party who makes a filing in this case shall redact Plaintiff’s true name and any identifying information from all documents filed on the public record.

Respectfully submitted,

By: *Donna Williams Rucker*
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